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CONSTITUTIONAL LAW — CONSTRUCTION, OPERATION, AND ENFORCEMENT OF CONSTITUTIONS — PORTO RICO AS TERRITORY. — The police commissioner of New York arrested a fugitive from Porto Rico, by proceedings under a statute which provided for the extradition of a fugitive from any state or territory. The prisoner sued out a writ of *habeas corpus*. *Held*, that Porto Rico is a territory of the United States, and therefore the prisoner is not entitled to release. *Kopel v. Bingham*, U. S. Sup. Ct., Jan. 4, 1909.

The word "territory," as used in the Constitution and laws of the United States, would seem to apply only to the possessions of the United States which have been given an organized form of government by acts of Congress. This view is supported by the decision that Oklahoma, before its organization, was not a territory. *In re Lane*, 135 U. S. 443. As opposed to other organized possessions, the insular possessions are not part of the United States, so far as the applicability of the Constitution is concerned. *Hawaii v. Mankichi*, 190 U. S. 197. See REV. STAT. U. S. 1878, § 1891. But Porto Rico is not a foreign country within the meaning of the tariff laws. *De Lima v. Bidwell*, 182 U. S. 1. Such a possession is properly termed a dependency, and it would seem that the Supreme Court has adopted this distinction. See *Rasmussen v. United States*, 197 U. S. 516, 521. However, although the term "territory" has usually been applied only to organized territories within the United States, the court reaches a very necessary and not illogical result in declaring an organized dependency to be a "territory" within the extradition statute.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — REQUIRING CARRIER TO DELIVER CARS TO CONNECTING CARRIER. — The defendant railroad connected near its terminus with the Southern Railway, each having neighboring stockyards for the unloading of livestock. The stockyard of the Southern Railway sought to compel the defendant to receive cars of livestock at the place of connection and carry them to points of delivery on its line; and to deliver to the Southern Railway without transshipment cars sent from points on the defendant's line containing livestock consigned to the plaintiff. *Held*, that the state constitution, so far as it requires the defendant to do this, is invalid under the Fourteenth Amendment. *L. & N. R. R. Co. v. Central Stock Yards Co.*, U. S. Sup. Ct., Jan. 25, 1909.

In its public duties a railroad is subject to governmental regulation and may be compelled to provide reasonable facilities for the interchange of freight and allow connections with the tracks of another carrier. *Fitchburg R. R. Co. v. Grand, etc., R. R. Co.*, 4 Allen (Mass.) 198. Its rights are taken subject to the police power, but there must be a valid exercise of the power, and the question of the reasonable necessity of regulation is judicial. *Toledo, etc., Ry. Co. v. Jacksonville*, 67 Ill. 37. If it is arbitrary and unreasonable and infringes property rights, it is repugnant to the due process and equal protection clauses of the Fourteenth Amendment. *Stone v. Farmers, etc., Co.*, 116 U. S. 307, 331. Hence a railroad cannot be compelled to furnish transportation of livestock without compensation therefor. *R. R. Co. v. Campbell*, 61 Kan. 439. Although it is obliged at common law to receive freight tendered for carriage by connecting carriers, it is under no duty either to receive and use the other carrier's cars or to allow its own cars to be used by other carriers. *Oregon Short Line, etc., Co. v. No. Pac. R. R. Co.*, 61 Fed. 158; *Central Stock Yards Co. v. L. & N. Rd. Co.*, 192 U. S. 568, 570-571. To compel it to do either seems invalid if, as here, no provision is made to protect it from the loss or detention of its own cars, and a sharing of its terminal facilities with the cars of others. Cf. *Mays v. Seaboard Air Line Ry.*, 75 S. C. 455; 20 HARV. L. REV. 494.

CONSTRUCTIVE TRUSTS — NATURE AND LIMITATIONS OF DOCTRINE — CONVEYANCE BY MISTAKE. — An owner of land executed a deed to the defendant which by mutual mistake included certain lots not intended to be passed. Three days later the same grantor executed a deed to the plaintiff